

JUL 16 2008

PTO/SB/21 (01-08)

Approved for use through 07/31/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

8

Application Number	09/920,961
Filing Date	08/03/2001
First Named Inventor	Edwin Lyda
Art Unit	2623
Examiner Name	Shchededa, James R.
Attorney Docket Number	LYDA-01

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

## Remarks

Waiver of Right to File a Request For Rehearing; Amendment of Claims In View of Board's Decision

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Annelin and Gaskin		
Signature	<i>Mary J. Gaskin</i>		
Printed name	Mary J. Gaskin		
Date		Reg. No.	30,381

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>Mary J. Gaskin</i>		
Typed or printed name	Mary J. Gaskin	Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED  
CENTRAL FAX CENTER

JUL 16 2008

In re Application of: Edwin Lyda	}	Date: July <u>16</u> , 2008
Application No.: 09/920,961	}	Group Art Unit: 2623
Filed: 08/03/2001	}	Examiner: Sheleheda, James R.
For: Distance Learning System	}	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**WAIVER OF RIGHT TO FILE A REQUEST FOR REHEARING;**  
**AMENDMENT OF CLAIMS IN VIEW OF BOARD'S DECISION**

Dear Sir:

We have received the Decision of the Board of Patent Appeals and Interferences related to the applicant's appeal of the final rejection of claims 1 through 7, 13 through 15, 17 through 21, and 23 through 25. In response thereto, applicant hereby waives his right to request a rehearing (within 30 days under §41.127(d)) of the Board's decision to sustain the rejection of claims 13 through 15, 17, 19, 20, 21, 23, and 25.

Applicant appreciates the Board's decision refusing to sustain the rejection of claims 1 through 7, 18, and 24. Applicant requests entry of the attached "Listing of Claims", wherein claims 18 and 24 have been rewritten in independent form to include all of the

---

**CERTIFICATE OF TRANSMISSION (37 CFR 1.8a)**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, via Fax No. 571-273-8300, on July 16, 2008.

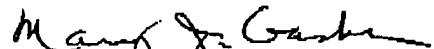
Mary J. Gaskin  
Mary J. Gaskin

limitations of the base claims (13 and 20, respectively). Further, applicant has cancelled the claims for which the Examiner's rejections were sustained.

Upon entry of the amendment, allowance of claims 1 through 7, 18 and 24 should be in order and is respectfully requested.

Date: July 16, 2008

Respectfully submitted,



Mary J. Gaskin  
Attorney for Applicant  
Registration No. 30,381  
2170 Buckthorne Pl., Suite 220  
The Woodlands, TX 77380  
Phone: (281) 363-9121  
Fax: (281) 363-4066

attachment

C:\A&G\Patents\yda\waiverofrights

RECEIVED  
CENTRAL FAX CENTER

JUL 16 2008

LISTING OF CLAIMS

1. (Previously presented) An electronic response device other than a personal computer, the response device configured to allow a user to send data over a standard communication system in response to a program received apart from the response device, the response device comprising:
  - a user input mechanism for entry of user input and responses, the mechanism operating without receiving signals eliciting a response by the user;
  - means for requiring the user's input of a program identifier code for the program received apart from the response device;
  - means for providing a user identifier code, the means selected from the group consisting of having the user identifier code associated with the response device and having the user input the user identifier code;
  - a central processing unit (CPU) for correlating the responses the user has entered into the user input mechanism to the program identifier code and for processing the program identifier code, the user identifier code, and responses the user has entered into the user input mechanism;
  - a power source; and
  - a transmitter connected to the CPU.

2. (Previously presented) The electronic response device according to claim 1, wherein:
  - the input mechanism is selected from the group consisting of a key pad and

voice recognition apparatus;

the transmitter comprises a two-way paging device; and

the communication system comprises a two-way paging system.

3. (Previously presented) The electronic response device according to claim 1, wherein:

the input mechanism is selected from the group consisting of a key pad and

voice recognition apparatus;

the transmitter is configured to send data bursts over standard telephone

lines; and

the communication system comprises a plain old telephone system.

4. (Previously presented) The electronic response device according to claim 1 wherein:

the input mechanism is selected from the group consisting of a key pad and

voice recognition apparatus;

the transmitter is configured to call telephone numbers each of the telephone

numbers having been associated with a particular response to the

program; and

the communication system comprises a plain old telephone system.

5. (previously presented) The electronic response device according to claim 1, wherein:

the input mechanism is selected from the group consisting of a key pad and

voice recognition apparatus;

the transmitter comprises a wireless internet protocol device; and

the communication system comprises an internet protocol system.

6. (Previously presented) The electronic response device according to claim 5, wherein:

the internet protocol system further communicates with a telecommunication system.

7. (Previously presented) The electronic response device according to claim 1, further comprising:

an indicator for indicating the connection status of the electronic response device to the communication system.

8 - 17. (Cancelled)

18. (Currently amended) ~~The method of claim 13~~ A method for receiving and processing responses to a program selected from the group consisting of a radio broadcast, a television broadcast, an internet broadcast, a satellite communication, an audio tape, a video tape, and a live performance, the method comprising:

providing a program identifier code for the program;

providing means for identifying an audience member;

providing a user input device other than a personal computer, the device operating without receiving signals eliciting a response by the audience member;

having the audience member input the program identifier code into the user input device;

having the audience member input responses into the user input device;  
transmitting response data comprising the program identifier code, the means for identifying an audience member, and the responses over a standard communication system, wherein the standard

communication system utilizes telephone lines and equipment and the response data is transmitted by having the user input device call a pre-assigned telephone number associated with the input response data;

collecting the response data at a central location;

correlating the program identifier code to the responses;

processing the response data.

19 - 23 (Cancelled)

24. ~~The system of claim 20~~ A system for receiving and processing responses to a program selected from the group consisting of a radio broadcast, a television broadcast, an internet broadcast, a satellite communication, an audio tape, a video tape, and a live performance, the system comprising:

providing a program identifier code for the program being presented;

providing a user input device other than a personal computer, the device

generating without receiving signals eliciting a response by a user;

having an audience member input the program identifier code into the user input device;

having the audience member input responses into the user input device;

transmitting the program identifier code and the responses associated with

a user identifier over a standard communication system, wherein the

standard communication system utilizes telephone lines and

equipment and the responses are transmitted by having the user input

device call a pre-assigned telephone number associated with the input responses;

collecting, correlating, and processing the program identifier and the responses;

routing the responses to a program presenter.

25. (Cancelled)